

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 33-45 are pending in this application. Claims 1-32 are canceled by the present response without prejudice and new claims 33-45 are added by the present response. Claims 1, 7, 8, 10, 11, 17, 23, 25, 26, 28, and 30-32 were rejected under 35 U.S.C. § 102 as anticipated U.S. patent 6,049,776 to Donnelly et al. (herein "Donnelly"). Claims 2, 3, 5-9, 12-16, 18-22, 24, 25, 28, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Donnelly as applied to claims 1, 7, 8, 10, 11, 17, 23, 25, 26, 28, and 30-32 and further in view of U.S. patent 6,334,133 to Thompson et al. (herein "Thompson").

Addressing the above-noted rejections, those rejections are traversed by the present response.

Initially, applicants note each of original claims 1-32 is canceled by the present response and new claims 33-45 are presented for examination. Those new claims are believed to address the outstanding rejections based on Donnelly, and Donnelly in view of Thompson. Further, the subject matter in new claims 33-45 is believed to be fully supported by the original specification, see for example Figures 2, 3, and 15-21 in the present specification.

New claims 33-45 each recite at least one of the following operations. (1) Generating a temporary shift table based on employee information and work management information when a number of employees required for each of time zones is designated, and sending the generated shift table to each user terminal. (2) When response information sent from each user terminal in reply to a shift table is collected from the temporary shift table and is accepted by a person in charge, a settled shift table is generated in which employees are assigned based on the response information, and the settled shift table is sent to each user terminal. (3) Additional recruiting information is generated in response to cancellation

information sent from a user terminal, and the additional recruiting information is sent to the user terminals of employees who can apply for the canceled shift. (4) An additional recruiting period can be set, and in a case in which a number of job applicants does not reach a number of applicants required up to the end of the set period, this fact can be notified to a person in charge and an urgent-shift making routine can be initiated. (5) On the other hand, in a case in which a number of job applicants exceeds a number of applicants required, as many employees as required could be selected, and information notifying assignment schedules can be sent to the user terminals of the selected employees, and information notifying cancellation to the user terminals of the non-selected employees can be sent.

Each of above-noted features that are reflected in at least one of new claims 33-45 are believed to clearly distinguish over the applied art.

First with specific respect to new independent claim 33, new independent claim 33 recites in addition to the file memory recited in original independent claim 1, features of:

- designating means for designating a number of employees necessary for each of time zones;
- a temporary shift table generation unit configured to generate a temporary shift table in which work schedules of employees are temporarily set, based on the employee information and the work management information, in response to the number of employees designated by said designating means; and
- a temporary shift table sending unit configured to send the temporary shift table generated by said temporary shift table generation unit to each user terminal.

The above-noted features are believed to clearly distinguish over the applied art as neither of the applied art to Donnelly nor Thompson disclose or suggest any type of generation of a temporary shift table.

Donnelly is directed to a human resource management system for staffing projects. The system of Donnelly stores personal information of employees, skills, schedules, and information about projects in databases, and conducts searches and assignments of employees

required for performing a project. The system of Donnelly further includes a calendar functionality capable of reflecting the status of performance.

Applicants note, however, that Donnelly differs fundamentally from the claimed invention in that Donnelly does not provide any sort of generation of work schedules. Donnelly is directed to a database system that can only store work schedules, see for example Figure 9 in Donnelly, but Donnelly does not disclose any system that can actually generate the work schedules.

Claim 33 is directed to a system that can actually generate a temporary shift table based on designating a number of employees necessary for each of different time zones. Donnelly does not teach or suggest any such operation as Donnelly is merely directed to a system that can store work schedules. Donnelly is not at all directed to a system that can try to efficiently allocate employees to work schedules.

In such ways, Donnelly clearly fails to teach or suggest the “designating means” and “temporary shift table generation unit” of new independent claim 33, and the claims dependent therefrom.

With respect to new independent claim 34, claim 34 also recites a “temporary shift table generation unit”, which is believed to distinguish over Donnelly. Further, new independent claim 34 recites additional features of a “settled shift table generation unit” and “settled shift table sending unit” that are believed to further distinguish over Donnelly. Those features recited in new independent claim 34 collect response information, and a response thereto can generate a settled shift table in which employees are assigned based on the response information. The database system of Donnelly clearly fails to teach or suggest any such operation.

With respect to new independent claims 35 and 36, as noted above Donnelly does not disclose or suggest any type of “settled shift table sending unit”. Further, Donnelly is not

believed to teach or suggest any of the further claimed “recruiting information generation unit”, “recruiting information sending unit”, and “application information reception unit”, as also recited in new independent claims 35 and 36. The above-noted features can operate to generate recruiting information for recruiting a new employee, which feature is clearly neither taught nor suggested by Donnelly.

New independent claims 38, 42, and 45 recite at least similar features as discussed above and are believed to also distinguish over Donnelly.

In such ways, applicants respectfully submit new claims 33-45 patentably distinguish over the teachings of Donnelly.

Moreover, no teachings in Thompson can overcome any of the above-noted deficiencies in Donnelly.

Thompson is directed to a system for automatically assigning a substitute worker in a case in which an intended worker is absent. For that purpose, in Thompson management data based on which substitute workers are assigned is shared between a plurality of organizations, and when a notice of absence is received from a worker, the management data is searched until a list of at least one substitute worker is obtained, or until the end of the data. Such teachings in Thompson cannot overcome the deficiencies in Donnelly as such teachings in Thompson are also not directed to the claimed features of generating a temporary shift table, a settle shift table, or any type of recruiting information.

In view of these foregoing comments, applicants respectfully submit new claims 33-45 recite features neither taught nor suggested by the applied art of Donnelly either singularly or in view of Thompson. Thus, applicants respectfully submit new claims 33-45 set forth allowable subject matter.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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